

CHAPTER 149

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 19-059

BY SENATOR(S) Moreno, Bridges, Cooke, Court, Crowder, Danielson, Donovan, Fenberg, Fields, Ginal, Gonzales, Holbert, Lee, Lundeen, Marble, Pettersen, Priola, Rankin, Rodriguez, Story, Tate, Todd, Williams A., Winter, Woodward, Zenzinger, Garcia; also REPRESENTATIVE(S) Buckner, Arndt, Baisley, Benavidez, Bird, Bockenfeld, Buck, Buentello, Carver, Catlin, Coleman, Cutter, Duran, Esgar, Exum, Froelich, Galindo, Garnett, Geitner, Gonzales-Gutierrez, Gray, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Landgraf, Larson, Liston, Lontine, McCluskie, McKean, McLachlan, Melton, Michaelson Jenet, Mullica, Neville, Ransom, Rich, Roberts, Singer, Sirota, Snyder, Soper, Sullivan, Tipper, Titone, Valdez A., Valdez D., Van Winkle, Weissman, Will, Wilson, Becker.

AN ACT

CONCERNING CREATION OF AN AUTOMATIC ENROLLMENT IN ADVANCED COURSES GRANT PROGRAM IN THE DEPARTMENT OF EDUCATION, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

- (a) All students deserve the opportunity to learn higher-level content;
- (b) Students who have access to a rigorous curriculum perform better across multiple measures, including graduating high school and completing higher education;
- (c) Traditionally, disadvantaged minorities and low-income students of all racial and ethnic backgrounds who perform well in school do not enroll in advanced classes at the same rate as their peers, regardless of preparedness;
- (d) High school graduation guidelines adopted by the Colorado state board of education require students to demonstrate competency in math and English scores to graduate, which can include achieving a sufficient score on an advanced placement or international baccalaureate exam; and

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(e) A school's or school district's course placement policies and decisions impact a student's opportunity to reach his or her full academic potential.

SECTION 2. In Colorado Revised Statutes, **add** part 2 to article 95.5 of title 22 as follows:

PART 2
JOHN W. BUCKNER AUTOMATIC ENROLLMENT IN
ADVANCED COURSES GRANT PROGRAM

22-95.5-201. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADVANCED COURSE" MEANS AN ADVANCED COURSE OF STUDY IN ANY SUBJECT, INCLUDING AN ADVANCED PLACEMENT COURSE; AN INTERNATIONAL BACCALAUREATE COURSE; OR A COURSE DESIGNATED BY A SCHOOL DISTRICT AS AN HONORS, GIFTED, OR ACCELERATED COURSE.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

(3) "GRANT PROGRAM" MEANS THE JOHN W. BUCKNER AUTOMATIC ENROLLMENT IN ADVANCED COURSES GRANT PROGRAM CREATED IN SECTION 22-95.5-202.

(4) "LOCAL EDUCATION PROVIDER" MEANS A PUBLIC SCHOOL AS DESCRIBED IN SECTION 22-1-101, A SCHOOL DISTRICT, OR A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE 22.

(5) "PARENT" MEANS A STUDENT'S BIOLOGICAL PARENT, ADOPTIVE PARENT, OR LEGAL GUARDIAN.

(6) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN COLORADO THAT THE DEPARTMENT DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA.

(7) "SCHOOL DISTRICT" MEANS ANY PUBLIC SCHOOL DISTRICT ORGANIZED UNDER THE LAWS OF COLORADO. "SCHOOL DISTRICT" DOES NOT INCLUDE A LOCAL COLLEGE DISTRICT.

(8) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22-95.5-202. John W. Buckner automatic enrollment in advanced courses grant program - creation - rules. (1) THERE IS CREATED IN THE DEPARTMENT THE JOHN W. BUCKNER AUTOMATIC ENROLLMENT IN ADVANCED COURSES GRANT PROGRAM TO INCREASE THE NUMBER OF STUDENTS ENROLLED IN ADVANCED COURSES FOR SUBJECTS IN WHICH THE STUDENT HAS DEMONSTRATED PROFICIENCY.

(2) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM IN ACCORDANCE WITH STATE BOARD RULES. THE DEPARTMENT SHALL:

(a) NOTIFY LOCAL EDUCATION PROVIDERS OF THE GRANT PROGRAM, INCLUDING APPLICATION DEADLINES, TWICE WITHIN THE THREE MONTHS BEFORE THE FIRST APPLICATION DEADLINE AFTER THE CREATION OF THE GRANT PROGRAM, AND ONCE ANNUALLY THEREAFTER;

(b) ACCEPT AND REVIEW GRANT APPLICATIONS;

(c) DETERMINE THE AMOUNT, IN ACCORDANCE WITH STATE BOARD RULES AND BASED ON AVAILABLE APPROPRIATIONS, THAT WILL BE AWARDED TO EACH ELIGIBLE LOCAL EDUCATION PROVIDER; AND

(d) AWARD A GRANT TO EACH ELIGIBLE LOCAL EDUCATION PROVIDER THAT HAS SUBMITTED AN APPLICATION.

(3) (a) PURSUANT TO ARTICLE 4 OF TITLE 24, THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT THE GRANT PROGRAM, INCLUDING RULES RELATING TO:

(I) THE APPLICATION PROCESS, INCLUDING DEADLINES;

(II) THE FORMULA FOR DETERMINING THE AMOUNT OF THE GRANT AWARDED TO EACH ELIGIBLE LOCAL EDUCATION PROVIDER;

(III) DEADLINES FOR THE DEPARTMENT TO AWARD GRANTS; AND

(IV) A PROCESS FOR VERIFYING THAT LOCAL EDUCATION PROVIDERS THAT HAVE RECEIVED AN AWARD ARE COMPLYING WITH THE REQUIREMENTS OF THE GRANT PROGRAM.

(b) WHEN PROMULGATING RULES FOR DETERMINING THE AMOUNT OF THE GRANT AWARD PURSUANT TO SUBSECTION (3)(a)(II) OF THIS SECTION, THE STATE BOARD SHALL INCLUDE THE FOLLOWING FACTORS:

(I) THE COSTS ASSOCIATED WITH A LOCAL EDUCATION PROVIDER IMPLEMENTING ITS PLAN SUBMITTED WITH ITS APPLICATION;

(II) THE NUMBER OF GRADE LEVELS IN WHICH THE LOCAL EDUCATION PROVIDER AUTOMATICALLY ENROLLS STUDENTS IN ADVANCED COURSES; AND

(III) THE NUMBER OF STUDENTS AUTOMATICALLY ENROLLED IN ADVANCED COURSES BY THE LOCAL EDUCATION PROVIDER.

(c) IN PROMULGATING RULES PURSUANT TO THIS PART 2, THE STATE BOARD SHALL ENSURE THAT A RURAL SCHOOL DISTRICT MAY SUBMIT A SIMPLIFIED GRANT APPLICATION.

22-95.5-203. Eligibility - application - use of grant money - report. (1) (a) A LOCAL EDUCATION PROVIDER MAY APPLY FOR A GRANT PURSUANT TO THIS SECTION; EXCEPT THAT, WHEN A SCHOOL DISTRICT SUBMITS AN APPLICATION AND IS ELIGIBLE FOR A GRANT PURSUANT TO THIS PART 2, A SCHOOL OPERATING WITHIN THAT DISTRICT MAY NOT SUBMIT AN APPLICATION.

(b) AN APPLICATION FROM AN INDIVIDUAL SCHOOL MUST BE SUBMITTED BY THE CHIEF ADMINISTRATIVE OFFICER OF THE SCHOOL AND, IF THE SCHOOL IS NOT A CHARTER SCHOOL, THE SCHOOL MUST NOTIFY THE SUPERINTENDENT OF THE SCHOOL DISTRICT OF THE APPLICATION.

(2) (a) A LOCAL EDUCATION PROVIDER IS ELIGIBLE FOR THE GRANT PROGRAM IF THE LOCAL EDUCATION PROVIDER AUTOMATICALLY ENROLLS EACH STUDENT ENTERING THE NINTH GRADE OR HIGHER IN AN ADVANCED COURSE BASED ON ANY OF THE FOLLOWING CRITERIA:

(I) THE STUDENT ACHIEVED A SCORE THAT IS EQUIVALENT TO, OR EXCEEDS, DEMONSTRATING PROFICIENCY ON THE STATE ASSESSMENT THAT WAS ADMINISTERED PURSUANT TO SECTION 22-7-1006.3 FOR THE PRECEDING ACADEMIC YEAR, REFERRED TO IN THIS SECTION AS AN "ELIGIBLE SCORE", AS FOLLOWS:

(A) STUDENTS WHO ACHIEVE AN ELIGIBLE SCORE IN A SUBJECT RELATED TO MATHEMATICS MUST BE AUTOMATICALLY ENROLLED IN ADVANCED COURSES IN MATHEMATICS;

(B) STUDENTS WHO ACHIEVE AN ELIGIBLE SCORE IN SUBJECTS RELATING TO READING AND WRITING MUST BE ENROLLED IN ADVANCED COURSES IN ENGLISH, SOCIAL STUDIES, HUMANITIES, OR OTHER RELATED SUBJECTS; AND

(C) STUDENTS WHO ACHIEVE AN ELIGIBLE SCORE IN A SUBJECT RELATED TO SCIENCE OR SOCIAL STUDIES MUST BE AUTOMATICALLY ENROLLED IN ADVANCED COURSES IN SCIENCE OR SOCIAL STUDIES; OR

(II) ANY OTHER MEASURE, APPLIED TO ALL STUDENTS ENROLLED IN A LOCAL EDUCATION PROVIDER, THAT, IN THE JUDGMENT OF THE LOCAL EDUCATION PROVIDER, IS AN INDICATOR THAT A STUDENT DEMONSTRATES THE ABILITY TO SUCCEED IN AN ADVANCED COURSE.

(b) (I) A LOCAL EDUCATION PROVIDER IS ENCOURAGED TO AUTOMATICALLY ENROLL EACH STUDENT ENTERING THE FOURTH THROUGH EIGHTH GRADE IN ADVANCED COURSES AS DESCRIBED IN THIS SECTION.

(II) A LOCAL EDUCATION PROVIDER IS ENCOURAGED TO USE AUTOMATIC ENROLLMENT FOR COURSES IN SUBJECTS NOT LISTED IN THIS SECTION.

(c) A LOCAL EDUCATION PROVIDER SHALL PERMIT A PARENT OF A STUDENT TO REMOVE THE STUDENT FROM AN ADVANCED COURSE IN WHICH THE STUDENT HAS BEEN AUTOMATICALLY ENROLLED. A LOCAL EDUCATION PROVIDER MAY PERMIT A PARENT OF A STUDENT TO EXEMPT THE STUDENT FROM ANY AUTOMATIC ENROLLMENT IN ADVANCED COURSES.

(3) IN AN APPLICATION SUBMITTED PURSUANT TO THIS PART 2, A LOCAL EDUCATION PROVIDER SHALL INCLUDE THE FOLLOWING:

(a) A DESCRIPTION OF THE LOCAL EDUCATION PROVIDER'S EXISTING ADVANCED COURSES AND ANY PLANNED ADVANCED COURSES, INCLUDING COURSES THAT MAY BE IMPLEMENTED WITH MONEY RECEIVED FROM THE GRANT PROGRAM;

(b) THE LOCAL EDUCATION PROVIDER'S PLAN FOR AUTOMATICALLY ENROLLING STUDENTS INTO ADVANCED COURSES;

(c) A DESCRIPTION OF HOW THE LOCAL EDUCATION PROVIDER WILL USE ANY GRANT AWARDED CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION; AND

(d) ANY OTHER INFORMATION REQUIRED BY STATE BOARD RULE.

(4) A LOCAL EDUCATION PROVIDER THAT IS AWARDED A GRANT PURSUANT TO THIS PART 2 MAY USE THE GRANT MONEY FOR ANY OF THE FOLLOWING:

(a) EXPANDING THE NUMBER OF ADVANCED COURSES OFFERED IN THE LOCAL EDUCATION PROVIDER, INCLUDING THE USE OF TECHNOLOGY TO INCREASE THE NUMBER OF ADVANCED COURSES OFFERED;

(b) INCENTIVIZING TEACHERS TO TEACH ADVANCED COURSES, INCLUDING TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT IN AREAS RELATING TO ADVANCED COURSE INSTRUCTION;

(c) DEVELOPING ADVANCED COURSE CURRICULUM; OR

(d) EXPANDING PARENT AND STUDENT ENGAGEMENT WITH THE LOCAL EDUCATION PROVIDER AS IT RELATES TO ADVANCED COURSE AVAILABILITY AND ENROLLMENT AND STUDENT SUCCESS IN ADVANCED COURSES.

(5) A LOCAL EDUCATION PROVIDER THAT IS AWARDED A GRANT PURSUANT TO THIS PART 2 MAY NOT USE THE GRANT MONEY FOR THE PURPOSE OF HIRING NEW TEACHERS.

(6) A LOCAL EDUCATION PROVIDER THAT RECEIVES AN AWARD FROM THE GRANT PROGRAM MUST SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT THAT INCLUDES THE FOLLOWING INFORMATION:

(a) THE NUMBER OF STUDENTS ENROLLED IN ADVANCED COURSES;

(b) THE NUMBER OF STUDENTS AUTOMATICALLY ENROLLED IN ADVANCED COURSES BY THE LOCAL EDUCATION PROVIDER; AND

(c) DEMOGRAPHIC INFORMATION OF STUDENTS AUTOMATICALLY ENROLLED IN ADVANCED COURSES, INCLUDING BUT NOT LIMITED TO AGE, ETHNICITY, RACIAL, AND SOCIOECONOMIC INFORMATION.

22-95.5-204. Department of education reporting requirements. IN ITS ANNUAL REPORT BEFORE THE HOUSE AND SENATE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203, THE DEPARTMENT SHALL INCLUDE INFORMATION DESCRIBING THE GRANTS AWARDED THROUGH THE GRANT PROGRAM DURING THE PRECEDING YEAR.

SECTION 3. In Colorado Revised Statutes, 22-95.5-101, **amend** the introductory portion as follows:

22-95.5-101. Definitions. As used in this ~~article 95.5~~ PART 1, unless the context otherwise requires:

SECTION 4. Appropriation. For the 2019-20 state fiscal year, \$250,000 is appropriated to the department of education. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.3 FTE. To implement this act, the department may use this appropriation for the John W. Buckner automatic enrollment in advanced courses grant program.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 10, 2019